

NEW TRIAL FOR THOMAS VANCE

Supreme Court Passes on Case Of Convicted and Sentenced Wife Murderer.

CIRCUMSTANTIAL EVIDENCE

Court Holds No Reason for Verdict of Guilty in Face of Testimony Of Doctors.

With the sentence of death hovering over him for the poisoning and kicking of his wife Mary Vance, who died Dec. 8, 1907, Thomas Vance was this morning granted a new trial by the supreme court of Utah of all the justices concurring. The ground for the new trial is held to be that the evidence was circumstantial, that there was no reason for a verdict of guilty when the doctors sworn to testify in the case that the deceased did not die from bruises and kicks nor was there evidence of poison. The opinion also states that the jury seemed to have been divided, half of them thinking that the deceased met her death through the kicks and bruises and the other half that she was poisoned, whereas in the minds of the supreme court justices there was not evidence enough to support a conviction on either charge.

The information charged Thomas Vance with having poisoned his wife on Nov. 26, 1907, after having kicked and bruised her the day before, from treatment she died on Dec. 8, following. The first count of the indictment alleged that she died from the beating, the second that she was poisoned to death, and the third that she died as a result of both the poisoning and the beating.

WIGMORE CRITICIZED.

Considerable space is given in the opinion to the criticism of Wigmore, a noted authority on evidence, in regard to the granting of a new trial to shockley, who killed two street car men in this city. Wigmore says that this case was one of the most flagrant examples of miscarriage of justice in the history of criminal law and that a new trial should never have been granted. In order to allay similar criticism in regard to the decision to grant a new trial in the Vance case, the opinion handed down this morning attacks Wigmore vigorously, insisting that justice was finally meted out to shockley, as he is now serving a life sentence at the state penitentiary.

The Vance case attracted considerable attention at the time of the trial and it was almost impossible to get a jury which was not prejudiced and which did not already have considerable knowledge of the crime. Vance and his wife had lived for 12 years in this city and had four children, and the inhuman treatment he is said to have subjected his wife and family to was horrifying to the neighbors and others who saw the cruelty.

It has not yet been determined when the new trial will take place, but it is likely that the matter will not come up before the fall term.

THE OPINION.

The gist of the opinion rendered this morning is contained in the following words:

"There is one, and only one, ground upon which the court's ruling in denying appellant's second motion can be sustained, which is, that the plea, in the means as causing the death of the deceased, namely, the co-operation of two distinct causes which produced the mortal sickness from which it is alleged the deceased languished and finally died."

"The court erred in instructing the jury that they could find that the deceased died from the effect of the beating and bruising, or from the effects of the poison. The court further erred in instructing the jury as above stated, because there was no evidence before the jury upon which they could find the appellant guilty of having committed murder by means of beating, bruising, and kicking. The first count was eliminated from the case and the third count did not contain a sufficient statement of the facts of the beating and bruising produced death. In the third count it was charged that death was caused by two co-operating causes. This being the charge it would have to be sustained by proof in order to convict."

BELLE LONDON ACQUITTED.

Jury Finds Her Not Guilty of Offense Charged.

Mrs. Dora B. Topham, alias Belle London, was found to be not guilty of renting houses for immoral purposes by a jury of men in Judge Bowman's court yesterday afternoon. This was the first of the five cases brought against her under similar charges and the jury which resulted in acquittal the defense offered on a witness, Ray Woods, who testified that she had rented a room in the stockade, and that she had bargained with both Belle London and "Mrs. Lee." In the cross-examination the defense offered the unique suggestion that Belle London's association with the stockade was that of a physical superior, only. Judge Bowman, who was the defense, and testified that acting as attorney for Herman J. Monk, the purchaser of the stockade property from the Citizens' Investment company, he had appointed Mrs. Lee as the agent of Monk. Mr. Gillette admitted on cross-examination that although the attorney for Mr. Monk he had never seen his principal, did not know him, nor had any idea of where he is. It had also been suggested to Mr. Gillette that he appoint Mrs. Lee as the agent. The jury recently took the view that Mrs. Lee was responsible for the renting of the stockade and rooms, and brought in a verdict in favor of the defendant, Belle London.

SOLOKAR ACQUITTED.

Stanislaus Solokar, Austrian, was found not guilty in Judge Lewis' court Tuesday afternoon of the charge of having assaulted William Newton with a deadly weapon, a pocket knife, at Brigham Dec. 16, 1910.

HARM COMES BACK.

R. M. Harm, who was released by the court yesterday on a charge of drunkenness, was back before Judge Bowman this morning on a similar charge, but with the excuse this time of family trouble. The family trouble was not disclosed, but he was permitted to go again, with the admonition that the third offense would find no clemency.

McMILLAN GETS SIX MONTHS.

Harry McMILLAN and A. B. Knappe, accused of stealing a watch from Dominic George, were up for trial before Judge Bowman this morning on the

A little Perfume will refresh you

The finest variety of imported and domestic perfumes in the city. The daintiest and most delicate odors.

Phones 148



charge of grand larceny. On the recommendation of the prosecutor, Knappe was discharged, and the charge against McMILLAN reduced to the degree of petit larceny, to which he pleaded guilty and was given a six months' sentence in the county jail.

VERDICT BY INSTRUCTION.

After William Partridge, the 14-year-old boy against whom H. D. Fairchild was charged with having committed a heinous crime, was unable to identify the defendant in Judge Ritchie's court this morning the prosecution moved at once that the case be dismissed, and the court immediately directed the jury to bring in a verdict of not guilty.

TAYLOR ON TRIAL.

The trial of Ike Taylor charged with assault with a deadly weapon was begun before Judge T. D. Lewis this morning. Taylor was creating a disturbance at 53 Plant street some time ago when the proprietor of the place, Charles Wayne, a Chinaman, asked him to be quiet. Wayne was later found in an unconscious condition.

BERT PARKER RELEASED.

When Bert Parker was arraigned in the police court this morning he stoutly denied that he was a vagrant, but insisted that he is a hard working man, and that at the time of his arrest last night he had just finished his day's labors as a teamster for Reynolds, an express man. The arresting officer was not present in court, Parker was released on his own recognizance until tomorrow morning, pending an investigation of the charge against him.

WILL INVESTIGATE CASE.

Frank Gaughan, his coat thrown over his shoulders, barely concealing wounds on his shoulders and abdomen, and Arthur Pollard, with a huge lump disfiguring his forehead, stood before the court in the courtroom this morning, and while pleading guilty to fighting, insisted that the fight had been with Greeks. Officer H. D. Lyon, who arrested the men, informed the court that the two defendants had been fighting each other. With the conflicting statements the court remanded the men to the custody of the police until tomorrow morning to permit an investigation of their case.

NEWSBOYS SUE.

Seek to Recover \$1,000 for Being Put Off Saltair Train.

Alleging that they were put off the Saltair train seven miles west of the city on July 10, and shooed at them by a bunch of thugs, the newsboys of the crowd, Ernest Proctor and Samuel Marvel, who say that they had tickets, brought suit in the district court yesterday against the Salt Lake & Los Angeles railroad, or \$1,000 each. They were newsboys and the trouble is due to the attitude of the paper they represent toward their resort.

THREE UNHAPPY WIVES.

Seeking Freedom From Galling Bonds Of Matrimony for Failure to Provide.

Three wives entered the Third district court this afternoon asking that they be released from the galling bonds of matrimony, each wife alleging failure to provide as a cause of action. They are: Mae Hart, married to George Hart June 6, 1903, with no children as issue of the marriage; Bessie Buchanan, married January 2, 1890 to Angus Buchanan at Provo, with one child, a son 17 years of age; Julia Barber, who was married in England, May 1, 1888, to Frederick Barber, with no minor children. Mrs. Buchanan alleges habitual drunkenness in addition to the charge of failure to provide.

ELECTRICAL STORM HITS SUGAR HOUSE

Lightning Plays Some Queer Freaks in Residences in Salt Lake's Newest Suburb.

Lightning running down chimneys and flashing out through cracks in stoves and stovepipes and knocking off lids, flaming sheets as large as a kitchen table playing about the noisy wires and shocking pedestrians who attempted to pass under, and other unusual antics caused considerable commotion among the citizens in Sugar House Tuesday afternoon between 2 and 4 o'clock.

Two electrical storms passed over that part of the city hours after the down-pour up town, which did not touch Sugar House.

The electric display continued for nearly an hour, the citizens getting out in large number to witness the remarkable demonstration. Great sheets would play about the light wires for a minute at a time, these displays accompanied by burning noises that were heard for blocks.

FUNERAL OF JOHN WHITE.

The members of the Third quorum of seventy are requested to attend the funeral services of President John H. White, at the Seventeenth ward chapel tomorrow afternoon.

PLAN CELEBRATION FOR PIONEER DAY

Sons and Daughters Association to Have Big Outing at Wadsworth July 25.

Sons and Daughters of Utah Pioneers, of which Senator Reed Smoot is president, will give a splendid celebration of Pioneer day at Wadsworth Monday, July 25, where an appropriate program will be carried out in the afternoon and evening, consisting of music, speeches, and various amusements.

Wednesday morning the following special committee met at the Lion House to complete arrangements for the celebration representing various historical organizations as follows: Sons and Daughters of Pioneers, Alice K. Smith, Willard Young and Zina Y. Card; Genealogical association, Joseph F. Smith, Jr., Nauvoo Legion, Charles H. Thomas; Mormon Battalion, Abbie H. Cowley; Mormon company, Thomas Dobson; Indian War veterans, Orson P. Arnold, Sr.

At 3:30 p.m. the celebration will open with a salute and music by the band.

Special guests of the occasion will be the 47 pioneers, of whom not many are now living, and the Chinese and Japanese, all charged with identifying the past few days have been full of enthusiasm, and a splendid time is promised to all.

THIRTEEN FARMERS ARRESTED

Are to be Charged With Violating the Pure Food Law.

Thirteen produce and vegetable vendors, taking their stands at the Continental market between West Temple and First West and South Temple and First South streets, were arrested this morning for sale in public market shall be kept 18 inches above the ground while being displayed for market purposes.

The specific charge against the defendants is that they failed to comply with the section of the ordinance which provides that all produce and other goods offered for sale in public market shall be kept 18 inches above the ground while being displayed for market purposes.

LAND BOARD AUDIT FINISHED.

H. L. Cummings who has been auditing the books of the state land board for a week past has now finished the arduous task and found everything to be straight.

UNCLE SAM'S WANTS.

The United States civil service commission announces an examination on Aug. 10 for a fishery expert, at \$1,200 per annum, for service on the steamer Albatross, and an assistant at \$900 per year, in the bureau of fisheries. An examination will be held on the same date, open to women only, for lantern slide colorist in the office of public roads, department of agriculture, at a salary of \$100 per month. Practical tests of ability to color lantern slides will be the only subject of examination, applicants providing their own materials for coloring.

PREST. BENNION A VISITOR.

Central States Mission Reported in Splendid Condition.

S. O. Bennion of Taylorsville, Utah, president of the Central States mission, and family arrived in Salt Lake Wednesday morning, and will remain in Utah for about 10 days, when he will return to Independence, Mo., the headquarters of the mission. To the news President Bennion said:

"The Central States mission is in a very healthy condition, with 150 active missionaries and about 4,000 members of the church scattered over the various states. The states include Texas, Missouri, Arkansas, Oklahoma, Louisiana, Kansas and Missouri. What we need is more missionaries, and to secure more is one of the principal objects of my visit home. The field is ripe, and we require more laborers."

"Not only is our mission prospering, but the country in general is prospering, also, and crops are looking good. On account of a late spring, the corn in the northern states is backward, but has a good stand. Harvesting of wheat is now in active progress, and the grain is in the southern states, the corn harvesting season has passed, and the crop is rapidly maturing. The weather is not much hotter than here, and the humidity is far less, and the climate is pleasant. There is considerable humidity in the air, but we are used to that now and rather like it. Our Utah sun seems to scorch."

MAY PUT FACTORY HERE.

D. W. Carr Here to Look Over the Field.

D. W. Carr, manager of the Colorado Potato Sorting company of Greeley, Colo., with offices at Denver, is in Salt Lake for a few days, and is so favorably impressed with the city and its possibilities that he has about made up his mind to locate a manufacturing plant here for the making of potato sorters, potato diggers and other farm machinery which the company is now turning out in large numbers at its Colorado plant.

"We have to ship all our lumber right through Salt Lake, on its way from the northwest to Colorado, and there is no reason why we couldn't get our castings turned out here in Salt Lake as cheaply as further east," said Mr. Carr to The News Wednesday.

DEATH OF ROBERT HARMAN.

Word was received in this city this morning of the death of Robert Harman at Pagan, Idaho, Tuesday, Mr. Harman, who resided in Miller ward for 35 years, had been suffering from ill health for some time and was taken to Idaho with two of his daughters for a change of climate.

NO STRIKE ANTICIPATED.

Local contractors do not give any serious consideration to the threat of a general strike of workmen on the Kearns job in case the Salt Lake Electrical Supply company pay non-union miners work on the electrification of the great building. They say there are too many men out of work to make any such movement pay. When the carpenters secured a raise from \$4.50 to \$5, this put the Salt Lake state much higher than other places in the country, that scores of carpenters threw up steady \$4.50 jobs to come to Salt Lake, expecting to find \$5 jobs waiting for

TWO MEN INJURED ON NEW COAL TRAMWAY

Charles Hardy and William J. Marshall Brought to St. Mark's From Cedar Creek.

Charles Hardy of Morgan, Morgan county, suffering with a broken leg, and William J. Marshall of Huntington, Emery county, with the ankle of the right leg out of joint, were brought to Salt Lake on the night train Tuesday, and taken to St. Mark's hospital, at Cedar Creek, where they are employed by the Castle Valley Coal company, the cable rope slipped from the pulley on the mile tramway, and in the attempt to push the rope back into place, these two men were caught, hurled to the ground, sustaining injuries.

The Castle Valley Coal company had just finished its tramway, a mile in length, which is used in transporting the coal from the mouth of the mines to the railroad. Both loaded and empty cars are attached to the cable, pulling the empty ones back, on their return trip to the mine.

About 10 o'clock Tuesday morning, when both empty and loaded cars were moving rapidly up and down the tramway, something went wrong, and the cable slipped from one of the large pulleys. Meers, Hardy and Marshall were standing near by. They picked up a board and attempted to push the cable moving cable into the pulley. Suddenly the rope swung over, and struck the two men, who caught it in a vain attempt to stop it. They were caught up and flung to the earth like the hands of an angry giant. Hardy's right leg was broken above the ankle. Marshall's right leg also was the one injured, the bone protruding from the flesh five inches, penetrating the earth and pinning him fast.

Dr. Ferguson, who was on duty, was at the mine at the time of the accident. He made the injured men as comfortable as possible, and accompanied them to Salt Lake last night. Today they are reported resting comfortably, having slept several hours during the night. It is thought nothing serious will result from their injuries.

"BACK WINDOW" BURGLARS.

Burglars broke into the Greek & American Grocery company store, 546 west Second South street, last night, and secured \$50 in cash from the money till, a revolver, five pairs of shoes and helped themselves liberally to cigars and tobacco. The burglars were of the common "back window" class and left no clue.

TWO WANT THE JOB.

A civil service examination is being conducted in the United States circuit courtroom of the federal building today, in which it is sought to secure eligibles for appointment to the position of junior engineer and examiner in the reclamation service. Only two applicants are taking the examination, which is being conducted by G. D. Barton, of the local civil service board of examiners.

CONDITIONS IN EMERY.

William Howard of Huntington Says Dry Spell Hurts Crops.

William Howard, merchant, from Huntington, Emery county, is in Salt Lake today on land business. Mr. Howard reports crops generally hardly up to the average in Emery this season on account of the long dry season. He says: "With one exception, there has been no rainfall for nearly six months, or since February. The streams are all low, and but for their reservoirs, which are also low, the farmers would be in a bad way. Little fruit will be raised in the county this season, on account of the abundant yield last year; a heavy yield is generally followed by a light one down that way. The lucern crop is not as heavy this season as last. There is a great deal of frost in the air, and the prospects are bright that Huntington will enjoy railroad facilities within a few months. It is now eight miles from the nearest railroad point. The new line is proposed to open up coal fields discovered up Huntington canyon beyond the town."

SPECIAL AGENT'S REPORT.

Chief Johnson Shows Activity in Suppressing Crime Among Indians.

Special Agent William E. Johnson's office in this city for the suppression of crime and sale of liquors among Indians has just completed a report showing the work of special officers for the month of June. In the state of Wisconsin, there have been 25 cases, 25 arrests, 45 indictments, 75 convictions and 9 dismissals. California, Oklahoma and Arizona come next in numbers. Utah is next to last. The totals for the United States are as follows: Cases, 144; arrests, 144; indictments, 58; convictions, 158; dismissals, 24; acquittals, 5; forfeited bond, 5; died, 1; went insane, 1.

JUNIOR ENGINEERS HOME.

University Students Complete Summer Work in Mine Camps.

Most of the junior engineer class of the University of Utah returned home Tuesday evening, some of the members remaining in Park City and other near-by camps, where they will work until the opening of school in September. There were 25 members of the class, Prof. R. R. Ketchum having charge of the boys. They have had considerable practical work in the mines, and on the surface. The Utah tunnel, above Park City, was the scene of a great deal of underground surveying. Before leaving for Salt Lake, a number of the students scouted the top of Park City's highest peaks, stacks, on the top of which they painted a conspicuous "U" in addition to their educational work, they spent many pleasant hours in the life, roaming the hills and visiting mountain camping parties in the near-by cool retreats.

TEACHERS' EXAMINATIONS.

On July 26, 27, and 28 the examination of teachers for state and county certificates will take place at the county seats of the different counties.

WILLIAMS GETS TWO YEARS.

Harry Williams, who some time ago threw pepper into the eyes of N. Niepce who runs a jewelry store under the Moxum hotel with intent to commit robbery, pleaded guilty to the charge this morning before Judge T. D. Lewis and was sentenced to two years in the state penitentiary.

DOUBLE OPERATION.

A double operation was performed at the Dr. Groves L. D. S. hospital this morning by Drs. Middleton and Seefeld on Lillian Rundquist, daughter of Mr. and Mrs. Charles A. Rundquist of Roy, Utah. The girl, who had come here to attend the funeral of her grandmother, Mrs. Johanna C. Seefeld, Sunday, that developed appendicitis. After a successful operation this morning another was performed on her throat and her tonsils were removed. The patient rallied from the effects of the anesthesia and is reported as progressing favorably.

BREAKS COLLAR BONE.

George R. Garbett, a driver at J. M. Marriott's meat market at 22 west First South street, fell through the opening in the ice box from the second floor of the meat market building shortly after 1 o'clock this afternoon, breaking his collar bone and bruising him up considerably. Garbett was 28 years old, moving some heavy material and stepped back into the stairway opening into the ice box. He fell 14 feet, breaking his collar bone and bruising his back. He was taken to St. Mark's hospital, where he received treatment.

REALTY MEN MEET.

The Real Estate association held its regular weekly meeting at the Commercial club this afternoon. Before the meeting, the members, about 30 in number, sat down to luncheon. The Utah Association of Credit Men will give a luncheon Thursday afternoon followed by the regular monthly meeting.

BLACK'S REIGN OF TERROR.

H. W. Black of 127 Harmony Place was arrested at 1:30 o'clock this afternoon on the complaint of C. M. Witherspoon, a neighbor, charging him with disturbing the peace. Black went home intoxicated about 10 o'clock this morning and drove his wife out of the house after threatening to kill her. He also threatened Mr. Witherspoon's son. Before the police arrived Black had terrorized the neighborhood.

EMERSON WARD.

The members of Emerson ward of the First ward are invited to attend a lawn party this evening at 8 o'clock at the residence of E. R. South, corner Eleventh East and Emerson avenues. The grounds will be brilliantly illuminated and a fine musical program by the Hawaiian Troubadours will be rendered. Admission will be free and refreshments will be served on the grounds. The affair will be under the direction of the ward amusement committee.

FUNERAL NOTICE.

Funeral services of Mr. Charles Offer, aged 38 years, will be held in San Francisco, Cal., next Sunday, July 17, under the auspices of Pacific Lodge No. 125, F. and A. M. Friends wishing to see the body may do so at any time from 12 o'clock noon, Wednesday, till 12 o'clock noon, Thursday, at the residence, No. 330 Fifth avenue, this city.

DIED.

RAYMOND.—In this city, July 12, 1910, Mary Raymond, wife of James Raymond, former residents of Arco, Idaho, aged 49 years.

Remains will be shipped from O'Donnell & Co.'s parlors this evening to Arco, Idaho, for interment.

R. E. Evans, Florist, 26 S. Main St. Floral designs a specialty. Phones 961.

Report Made to the Secretary of State of the State of Utah, of the Condition of the

STATE BANK OF UTAH.

Located at Salt Lake City, in the County of Salt Lake, State of Utah, at the close of business on the 9th day of July, 1910:

RESOURCES.

Loans and discounts \$1,387,045.35

Overdrafts 20,255.23

Bonds, stocks, certificates, etc. 143,246.50

Furniture and fixtures 2,662.50

Real estate 21,149.45

Due from National banks 370,828.76

Due from State banks and bankers 283,652.63

Cash on hand 218,972.13

Current expenses and taxes paid 126.71

Total \$3,444,116.92

LIABILITIES.

Capital stock paid in \$200,000.00

Surplus fund 130,000.00

Undivided profits 102,000.00

Due to National banks 26,979.60

Due to State banks and bankers 45,871.25

Individual deposits 1,247,082.51

Certified checks 2,774.35

Cashier's checks 4,336.49

Time certificates of deposit 2,058.00

Time certificates of deposit 121,814.32

Interest Rec. taxes and Ins. 27,544.30

Total \$3,444,116.92

State of Utah, County of Salt Lake.

Charles S. Burton being first duly sworn according to law deposes and says that he is cashier of the above named bank; that the above and foregoing report contains a full, true and correct statement of the condition of the said bank at the close of business on the 9th day of July, 1910.

Subscribed and sworn to before me this 13th day of July, 1910.

(Seal) HENRY T. McEWAN, Notary Public.

Correct, Attest: JAMES D. MURDOCK, Directors.

State of Utah, Office of the Secretary of State.

I, C. S. Tingey, Secretary of State of the State of Utah, do hereby certify that the foregoing is a full, true and correct copy of the statement of the above named company, filed in my office this 13th day of July, 1910.

(Seal) C. S. TINGEY, Secretary of State.

Report Made to the Secretary of State of the State of Utah, of the Condition of the

McCORMICK & CO., BANKERS.

Located at Salt Lake City, in the County of Salt Lake, State of Utah, at the close of business on the 9th day of July, 1910:

RESOURCES.

Loans and discounts \$3,267,529.70

Overdrafts 25,000.00

Furniture and fixtures 586,237.66

Due from National banks 2,080,201.26

Due from State banks and bankers 550,729.33

Cash on hand 651,008.87

Total cash resources \$3,571,716.02

Total \$3,571,716.02

LIABILITIES.

Capital stock paid in \$300,000.00